

Government Operations Related Bill Summaries **Passed During the 2005 General Session**

H.B. 1 Annual Appropriations Act *(Rep. R. Bigelow)*

This bill appropriates funds for the support and operation of state government for the fiscal year beginning July 1, 2005 and ending June 30, 2006.

This bill:

- ▶ provides base budgets for the use and support of certain state agencies;
- ▶ provides base budgets for other purposes as described;
- ▶ provides compensation increases for state employees;
- ▶ provides intent language;
- ▶ approves internal service fund employment levels and capital acquisition amounts;
- ▶ authorizes rates and fees.

This bill appropriates for fiscal year 2006:

- ▶ \$1,952,996,400 from the General Fund;
- ▶ \$102,658,300 from the Uniform School Fund;
- ▶ \$125,695,000 from income tax revenue;
- ▶ \$4,334,205,300 from various sources as detailed herein.

H.B. 14 Bond Election Process Amendments *(Rep. F. Hunsaker)*

This bill modifies provisions related to bond elections.

This bill:

- ▶ changes the dates by which a legislative body must approve bond election resolutions and bond proposition language to be used at the election in order to meet ballot preparation and mailing requirements;
- ▶ implements provisional ballot procedures for challenged ballots in bond elections;
- ▶ provides that bond elections comply with the general voter registration and voting procedures contained in the Election Code;
- ▶ modifies election administration and canvassing procedures for bond elections to provide consistency with general election procedures;
- ▶ provides that county clerks, municipal clerks, clerks or chief executive officers of special districts, and business administrators or superintendents of school districts may act as election officers to conduct and administer bond elections, and to supervise and administer certain bond and voted leeway elections;
- ▶ permits an election officer to appoint or employ agents to assist with conducting and administering bond elections;
- ▶ provides that election officers in bond elections shall conduct their procedures at the direction of the municipality calling the election;
- ▶ clarifies procedures for challenging bond elections and for publishing requirements for notice of bond elections by newspaper;
- ▶ removes procedures for mailing of notice of bond elections by postcard;

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- ▶ modifies the Election Code to provide consistent procedures for recounts of bond election results and challenges to bond elections; and
- ▶ changes the name of the "Utah Municipal Bond Act" to "Local Government Bonding Act" to provide consistency in the definition of words commonly used in the Utah Code;
- ▶ rennumbers Title 14, Chapter 11, "Local Government Bonding Act"; and
- ▶ makes technical changes.

H.B. 15 Repeal of State Debt Collection Advisory Board *(Rep. D. Aagard)*

This bill repeals the Advisory Board to the Office of State Debt Collection.

This bill:

- ▶ repeals the Advisory Board to the Office of State Debt Collection.

H.B. 16 Repeal of Vehicle Equipment Safety Commission *(Rep. N. Hendrickson)*

This bill repeals the Vehicle Equipment Safety Commission.

This bill:

- ▶ repeals the Vehicle Equipment Safety Commission; and
- ▶ makes technical changes.

H.B. 19 Procurement Code Renumbering *(Rep. R. Bigelow)*

This bill rennumbers the Utah Procurement Code.

This bill:

- ▶ rennumbers the Utah Procurement Code to comply with current numbering practices; and
- ▶ makes technical changes.

H.B. 75 Government Records Access and Management Task Force *(Rep. D. Aagard)*

This bill creates the Government Records Access and Management Task Force.

This bill:

- ▶ creates the Government Records Access and Management Task Force;
- ▶ sets forth the duties of the task force; and
- ▶ requires the task force report to the Public Utilities and Technology Interim Committee and the Government Operations Interim Committee.

This bill appropriates:

- ▶ \$6,000 to the Senate; and
- ▶ \$8,400 to the House of Representatives.

H.B. 128 Compensation of Executive Officers *(Rep. L. Christensen)*

This bill establishes a salary for the attorney general on July 1, 2005.

This bill:

- ▶ provides that the attorney general's salary on July 1, 2005 is 95% of the governor's salary.

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H.B. 142 Issues Submitted to Voters (*Rep. G. Hughes*)

This bill modifies statewide and local initiative requirements and other ballot measures initiated by citizen petition by requiring fiscal impact estimates and by authorizing the repeal or amendment of laws when final estimated costs exceed initial cost estimates by a certain amount.

This bill:

- ▶ establishes uniform standards for determining whether a signer's signature on a local initiative petition is valid or not;
- ▶ provides for placement of birth date information on initiative petitions;
- ▶ requires that statewide initiative petitions approved for signature circulation receive an initial fiscal impact review by the Governor's Office of Planning and Budget;
- ▶ requires that local initiative petitions approved for signature circulation receive an initial fiscal impact review by the local budget officer;
- ▶ establishes a procedure for judicial review of contested initial fiscal impact statements;
- ▶ requires that the initial fiscal impact estimate be shown on each petition signature sheet;
- ▶ clarifies that public meetings on statewide initiative petitions be held only after issuance of the initial fiscal impact estimate;
- ▶ requires that voter information pamphlets include the initial fiscal impact estimate issued for each statewide or local initiative;
- ▶ requires that the initial fiscal impact estimate appear on the ballot for all statewide and local initiatives;
- ▶ requires that a final fiscal impact statement be issued by the Governor's Office of Planning and Budget, or by the local budget officer for local initiatives, for each initiative that is approved by the voters; and
- ▶ when the final fiscal impact statement for a statewide or local initiative exceeds the initial fiscal impact estimate by 25% or more, authorizes the Legislature, or the local legislative body in the case of a local initiative, to repeal the law, amend the law, or inform the voters that they may bring a new initiative to repeal the law enacted by passage of the initiative.

H.B. 226 Government Records Access and Management Act Requirements Regarding Animal Identification Program (*Rep. C. Buttars*)

This bill modifies the Government Records Access and Management Act to classify Department of Agriculture and Food records relating to the National Animal Identification System or state programs for the identification, tracing, or control of livestock diseases as protected records.

This bill:

- ▶ modifies the Government Records Access and Management Act to provide protected record classification to Department of Agriculture and Food records relating to:
 - the National Animal Identification System; and
 - state programs providing for the identification, tracing, or control of livestock diseases.

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H.B. 240 Disaster Loan Program (*Rep. R. Bigelow*)

This bill establishes a disaster loan program.

This bill:

- ▶ authorizes the Division of Emergency Services and Homeland Security to make loans to counties that are affected by disasters;
- ▶ establishes loan requirements; and
- ▶ establishes a mechanism for requesting the loan and for other political subdivisions within the county to participate in the loan program.

This bill appropriates \$25,000,000 from the General Fund to the Division of Emergency Services and Homeland Security for fiscal year 2004-05 only to fund the loan program.

H.B. 250 Capitol Complex Space (*Rep. J. Alexander*)

This bill establishes most of the House Building and certain parking spaces as the legislative area subject to the control of the Legislative Management Committee.

This bill:

- ▶ designates, with certain exceptions, the House Building and certain parking spaces as the legislative area;
- ▶ clarifies the scope of the Capitol Preservation Board's responsibilities;
- ▶ clarifies the Legislative Management Committee's responsibilities for the legislative area; and
- ▶ makes technical corrections.

H.B. 264 State Land Use Management Plans Amendments (*Rep. M. Noel*)

This bill modifies the duties of the state planning coordinator to require the state planning coordinator to consider certain findings and policy considerations when developing state policies, plans, and programs relating to federal lands and natural resources on federal lands.

This bill:

- ▶ establishes certain findings to be considered when developing state policies relating to federal lands and natural resources located on federal lands;
- ▶ establishes considerations for recognition of state and local interests in the federal land use management process;
- ▶ establishes planning policies related to:
 - managing for the sustainability and health of the renewable resources such as water, timber, forage, recreation, and wildlife;
 - managing public land for wilderness considerations;
 - allocation of grazing animal unit months;
 - transportation to and across federal land;
 - management of river segments;
 - designation of areas of critical environmental concern; and
 - creation of roadless or unroaded areas on federal lands;

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- ▶ requires that the state planning coordinator work in conjunction with state agencies and political subdivisions when developing policies, plans, and programs;
- ▶ requires that the state planning coordinator uphold and promote the policies, plans, programs, and desired outcomes of the state and counties where federal lands are located; and
- ▶ makes technical changes.

H.B. 287 Revenue Bonds and Capital Facilities Authorizations (*Rep. D. G. Buxton*)

This bill authorizes certain state agencies and higher education institutions to issue revenue bonds, to enter lease-purchase agreements, or to build capital facilities using agency or institutional funds.

This bill:

- ▶ authorizes the issuance of revenue bonds by the State Building Ownership Authority and higher education institutions;
- ▶ authorizes certain state entities to enter into lease-purchase agreements; and
- ▶ authorizes other capital facility construction from agency or institutional funds.

H.B. 301 Supplemental Appropriations III (*Rep. R. Bigelow*)

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal year beginning July 1, 2005 and ending June 30, 2006.

This bill:

- ▶ provides budget increases and decreases for the use and support of certain state agencies;
- ▶ provides budget increases and decreases for other purposes as described;
- ▶ provides intent language.

This bill appropriates for fiscal year 2006:

- ▶ \$50,976,300 from the General Fund;
- ▶ \$28,365,000 from the Uniform School Fund;
- ▶ \$125,262,500 from income tax revenue;
- ▶ \$27,199,400 from various sources as detailed herein.

H.B. 319 Expansion of Department of Administrative Services Oversight to Include Human Resource Management (*Rep. D. G. Buxton*)

This bill modifies provisions of the Personnel Management Act to change the Department of Human Resource Management to a division under the Department of Administrative Services.

This bill:

- ▶ provides that the Department of Human Resource Management shall be changed to a division within the Department of Administrative Services;
- ▶ changes the name of the Department of Human Resource Management to the Division of Human Resource Management;
- ▶ provides that the Division of Human Resource Management shall be administered by a director appointed by the governor with the consent of the Senate;

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- ▶ provides that the director shall be accountable to the executive director of the Department of Administrative Services;
- ▶ removes the director's discretion to appoint division directors and program managers;
- ▶ provides that the director of the Division of Human Resource Management shall be responsible for administering the human resource program for the state and for all departments;
- ▶ provides that policies set by the Division of Human Resource Management shall take precedence over conflicting policies and practices;
- ▶ eliminates the Utah Quality Service Award program;
- ▶ terminates existing procedures for performing human resource services for various departments and permits the Division of Human Resource Management to establish field offices in departments;
- ▶ eliminates the ability for departments to provide certain human resource management functions;
- ▶ provides a listing of required provisions for agreements governing field offices in departments;
- ▶ provides for allocation of the cost of department facilities, equipment, and supplies that are used by a division field office;
- ▶ requires the director of the Division of Human Resource Management to submit an annual budget request for the approval of the governor and the Legislature;
- ▶ provides the director of the Division of Human Resource Management with responsibility to design and administer the state recruitment and selection system;
- ▶ changes the date for submission of market comparability adjustments to coincide with the date that the compensation package recommendation is due; and
- ▶ makes technical changes.

This bill has an effective date of July 1, 2006.

H.B. 349 Money Management Act Amendments (*Rep. D. Clark*)

This bill modifies a criminal provision in the State Money Management Act.

This bill:

- ▶ amends the State Money Management Act to provide that a certified investment adviser's violation of rules and orders under the act must be intentional in order for a criminal penalty to apply.

S.B. 1 Supplemental Appropriations Act (*Sen. L. Hillyard*)

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal year beginning July 1, 2004 and ending June 30, 2005.

This bill:

- ▶ provides budget increases and decreases for the use and support of certain state agencies;
- ▶ provides budget increases and decreases for other purposes as described;
- ▶ provides intent language.

This bill appropriates for fiscal year 2005:

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- ▶ \$79,479,600 from the General Fund;
- ▶ \$1,669,900 from the Uniform School Fund;
- ▶ \$58,728,900 from income tax revenue;
- ▶ \$9,758,800 from various sources as detailed herein.

S.B. 3 Supplemental Appropriations Act II (*Sen. L. Hillyard*)

This bill supplements or reduces appropriations previously provided for the use and operation of state government for the fiscal years beginning July 1, 2005 and ending June 30, 2006 and beginning July 1, 2004 and ending June 30, 2005.

This bill:

- ▶ provides budget increases and decreases for the use and support of certain state agencies;
- ▶ provides funds for the bills with fiscal impact passed in the 2005 General Session;
- ▶ provides budget increases and decreases for other purposes as described;
- ▶ provides intent language;
- ▶ amends previously approved internal service fund employment levels and capital acquisition amounts.

This bill appropriates for fiscal year 2006:

- ▶ \$21,226,000 from the General Fund;
- ▶ \$645,200 from the Uniform School Fund;
- ▶ \$2,650,000 from income tax revenue;
- ▶ \$215,758,800 from various sources as detailed in this bill.

This bill appropriates for fiscal year 2005:

- ▶ (\$67,403,600) from the General Fund;
- ▶ \$68,000,000 from income tax revenue;
- ▶ \$4,584,100 from various sources as detailed in this bill.

S.B. 11 Initiative Petitions Amendments (*Sen. B. Evans*)

This bill establishes uniform standards for signature verification on initiative petitions.

This bill:

- ▶ establishes uniform standards for determining whether a signer's signature on an initiative petition is valid or not; and
- ▶ provides for the placement of birth date information on initiative petitions.

S.B. 20 Office of Legislative Auditor - Access to Information (*Sen. M. Waddoups*)

This bill modifies the powers and duties of the Office of Legislative Auditor General.

This bill:

- ▶ clarifies that the Legislative Auditor General may access the records, documents, and reports of any entity that receives public funds; and
- ▶ allows the Legislative Auditor General to use the legislative subpoena powers to access those

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records when necessary.

S.B. 27 Sunset Reauthorizations (*Sen. L. A. Mansell*)

This bill reauthorizes certain state entities and programs that would otherwise sunset before the 2006 Annual General Session of the Utah Legislature.

This bill:

- ▶ reauthorizes certain named state entities and programs that are scheduled to sunset before the 2006 Annual General Session; and
- ▶ makes technical changes.

S.B. 43 Penalty for Providing False Information to State Agency (*Sen. P. Hellewell*)

This bill modifies the Criminal Code by providing certain penalties for providing false information to state or local government agencies.

This bill:

- ▶ provides that knowingly giving false information to a state or local government agency or personnel with the intent to imply that another person has committed an offense or to induce a change in a person's licensing or certification status is a class B misdemeanor.

S.B. 44 Government Records Amendments (*Sen. C. Walker*)

This bill modifies provisions of the Government Records Access and Management Act.

This bill:

- ▶ modifies the definition of "person" under the Government Records Access and Management Act to include combinations of individuals or entities acting in concert;
- ▶ modifies the definition of "record" under the act to include only references to the singular and to clarify its relation to the definition of "record series";
- ▶ allows government entities to sequentially produce multiple record requests from persons serving their private interest;
- ▶ permits government entities to allow a person requesting records to personally make copies or to provide facilities for copying records in certain circumstances;
- ▶ requires government entities to provide reasonable safeguards to protect the public from the potential loss of public records;
- ▶ allows government entities to provide access to an electronic equivalent of a paper record;
- ▶ modifies language relating to appeals from records committee decisions to clarify that appeals are permitted by any party; and
- ▶ makes technical changes.

S.B. 79 Extension of Sunset Date on Resource Development Coordinating Committee
(*Sen. B. Evans*)

This bill extends the sunset date for the Resource Development Coordinating Committee.

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This bill:

- ▶ extends the sunset date on the Resource Development Coordinating Committee through July 1, 2015.

S.B. 86 2004 General Obligation Bond Amendments (*Sen. P. Knudson*)

This bill eliminates a project authorized by the Legislature to be built or purchased from the proceeds of the 2004 General Obligation Bond.

This bill:

- ▶ removes the monies earmarked in the 2004 General Obligation Bond Authorization for the Oxbow Jail purchase.

S.B. 96 Commerce Service Fund Amendments (*Sen. G. Bell*)

This bill makes a technical correction to language governing transfers from the Commerce Service Fund.

This bill:

- ▶ clarifies that monies remaining in the Commerce Service Fund after legislative appropriations are transferred into the General Fund at the end of the fiscal year; and
- ▶ makes technical corrections.

S.B. 106 Utah Religious Land Use Act (*Sen. D. Thomas*)

This bill restricts government entities from applying land use regulations that impose a substantial burden on a person's free exercise of religion.

This bill:

- ▶ restricts government entities from applying or enacting land use regulations that impose a substantial burden on a person's free exercise of religion unless certain exemptions apply;
- ▶ permits government to impose land use regulations that substantially burden a person's free exercise of religion only where the government can show that the land use regulation is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest;
- ▶ authorizes a person to seek injunctive or declaratory relief if government fails to remedy a substantial burden imposed on religious expression by a land use regulation;
- ▶ permits a person to use the defense that a government entity's action creates a substantial burden on the free exercise of religion in judicial and administrative hearings;
- ▶ requires persons claiming that a land use regulation substantially burdens their free exercise of religion to file a notice of claim with the governmental entity;
- ▶ provides government entities with the opportunity to remedy the substantial burden before being subject to injunction or declaratory relief; and
- ▶ waives government immunity for cases brought to enforce or obtain remedies for violation of this chapter.

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S.B. 123 Governmental Immunity Act - Technical Amendments (*Sen. G. Bell*)

This bill corrects references to the Governmental Immunity Act of Utah.

This bill:

- ▶ changes references from Chapter 30 to Chapter 30d; and
- ▶ amends references to sections of the Governmental Immunity Act of Utah.

S.B. 163 Capitol Preservation Board Amendments (*Sen. B. Evans*)

This bill modifies the provisions related to the capitol preservation board's duties, boards, and subcommittees.

This bill:

- ▶ permits the president of the Senate and the speaker of the House to appoint a designee for the capitol preservation board to act on their behalf;
- ▶ provides that the lieutenant governor will serve terms on the capitol preservation board concurrently with the governor, the president of the Senate, and the speaker of the House;
- ▶ provides that members of capitol preservation board subcommittees shall select a subcommittee chair at the beginning of each calendar year to serve a one-year term;
- ▶ requires the capitol preservation board's budget and operations subcommittee to make yearly recommendations to the board concerning the executive director's performance and suggestions for staff;
- ▶ provides that the capitol preservation board shall make rules to govern the review, compensation, and bonus processes for the executive director and staff;
- ▶ provides the capitol preservation board with responsibility for visitor services on capitol hill, including conducting tours, managing a gift shop, and providing communications services; and
- ▶ modifies the definition of art overseen by the capitol preservation board to include decorative paintings and historic light fixtures.

S.B. 179 Protection of Government Records (*Sen. G. Bell*)

This bill addresses the treatment of records including those related to institutions within the state system of higher education.

This bill:

- ▶ defines terms;
- ▶ addresses what information must be disclosed upon receipt of a written request for a reasonably identifiable record;
- ▶ addresses protected records related to an institution within the state system of higher education;
- ▶ provides a process for a sponsor of research at an institution within the state system of higher education to file a written claim of business confidentiality including providing certain notice requirements;
- ▶ addresses how business confidentiality claims are treated; and

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- ▶ makes technical changes.

S.J.R. 5 Resolution Approving Contract for State Capitol Renovation (*Sen. L. A. Mansell*)

This resolution authorizes the Capitol Preservation Board and its executive director to execute contracts governing the entire capitol building project.

This resolution:

- ▶ authorizes the Capitol Preservation Board and its executive director to execute contracts with contractors and subcontractors to perform the work required on the entire capitol construction project, even though the amounts due under those contracts will be greater than the amount that the Legislature has appropriated for that particular fiscal year for the project;
- ▶ prohibits the Capitol Preservation Board and its executive director from making payments or other expenditures under the contract that are greater than the amount of funds made available by the Legislature for any fiscal year from bond proceeds or appropriations; and
- ▶ requires the Capitol Preservation Board and its executive director to make certain reports about project funding and status to the Legislature's Executive Appropriations Committee.